

REMARKS

Claims 1-14, 16, 19, 21, 22, 24, 30-32, 34, 36 and 38-43 were pending in this application. In the Office Action dated March 24, 2010, claims 1-14, 16, 19, 21, 22, 24, 30-32, 34, 36 and 38-43 were rejected.

Claims 1, 21 and 34 are hereby amended to specifically recite inherent aspects as originally claimed. Claim 42 is hereby amended for consistency with amended claim 34. New claims 44-46 are hereby added.

Based on the above Amendment and following Remarks, withdrawal of the outstanding rejection is respectfully requested.

Response to Rejection under 35 U.S.C. § 103(a)

In the Office Action, Claims 1-14, 16, 19, 21, 22, 24, 30-32, 34, 36 and 38-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,203,186 (“Fuller”) in view of U.S. Patent No. 5,655,013 (“Gainsboro”). This rejection is respectfully traversed.

Independent claim 1, as amended, recites in part “a second processor-based system . . . configured to . . . convert second non-VoIP (Voice over Internet Protocol) voice signals from the called parties received via the carrier network to second VoIP voice signals for transmission to the first processor-based system via the digital data link; and *monitor the second VoIP voice signals to detect fraudulent or unauthorized call activity in the calls.*” (Emphasis added).

Per claim 1, the second processor-based system converts analog non-VoIP voice signals received from called parties into VoIP voice signals. The VoIP voice signals are transmitted

from the second processor-based system to the first processor-based system via a digital data link. The second processor-based system monitors digital VoIP voice signals instead of the analog non-VoIP voice signals to detect fraudulent or unauthorized call activity in the calls. For example, the second processor-based system may apply silence detection techniques to the digital VoIP voice signals to identify attempts at establishing an unauthorized three-way call.

First, none of the cited references disclose the feature of “monitor the second VoIP voice signals to detect fraudulent or unauthorized call activity in the calls,” as recited in claim 1, as amended. Fuller is related to a call forwarding manager device for providing Internet telephony to a subscriber’s premises via Internet connection and analog telephone connection. See Fuller, col. 3, ll. 39-42. Fuller operates in unrestricted environment where unauthorized or fraudulent call activity detection is not necessary. Unlike restricted environment such as prison facilities, there is no reason to monitor the phone calls for unauthorized or fraudulent call activity. Consequently, Fuller fails to disclose anything about monitoring any signals to detect unauthorized or fraudulent call activity.

Nor does Gainsboro disclose this feature. Gainsboro is based on analog/POTS system to service multiple telephones. Therefore, the system of Gainsboro performs three-way call detection on analog voice signals. Nowhere in Gainsboro does it disclose or teach anything about detecting three-way call on digital VoIP signals.

Therefore, none of the cited references disclose the feature of “monitor the second VoIP voice signals to detect fraudulent or unauthorized call activity in the calls,” as recited in claim 1, as amended.

Second, Fuller and Gainsboro cannot be combined to achieve the feature of “monitor the second VoIP voice signals to detect fraudulent or unauthorized call activity in the calls,” as recited in claim 1. If the proposed modification or combination of the prior art would change the

principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. See MPEP § 2143.01 VI. Fuller uses VoIP technology based on digital technology to service multiple telephones. For this purpose, Fuller uses various digital call processing components such as voice gateway 44, DSLAM 40, and ADSL modem 22. In contrast, Gainsboro is based on analog/POTS system to service multiple telephones. For this purpose, Gainsboro uses analog call processing components such as TMU. Because Fuller and Gainsboro are based on different call processing system, the principle of operation of Fuller and/or Gainsboro must be modified for combination. Hence, the teachings of the references are not sufficient to render claim 1 *prima facie* obvious.

Third, assuming, *arguendo*, that Fuller and Gainboro can be combined, the resulting system would not include the feature of “monitor the second VoIP voice signals to detect fraudulent or unauthorized call activity in the calls,” as recited in claim 1. The TMU of Gainsboro operates in analog networks to detect three-way calls in analog signals. Hence, if TMU of Gainsboro were to retain its principle of operation, the TMU would operate in conjunction with the voice gateway 44 of Fuller to detect analog signals, and not digital VoIP signals. Therefore, even if Fuller and Gainsboro were to be combined, the resulting system would detect the three-way call by monitoring analog signals and not digital signals.

Therefore, Fuller and Gainsboro, alone or in combination, fail to disclose the feature of “monitor the second VoIP voice signals to detect fraudulent or unauthorized call activity in the calls,” as recited in claim 1. Therefore, claim 1 is patentably distinguishable from Gainsboro and Fuller.

Claims 2-14, 16, 19 and 41 depend from claim 1; and therefore, the arguments set forth above for claim 1 are equally applicable to claims 2-14, 16, 19 and 41. Accordingly, claims 2-14, 16, 19 and 41 are also patentably distinguishable from Fuller and Gainsboro.

Similarly, independent claim 21, as amended, recites the feature of “monitor the second VoIP voice signals to detect fraudulent or unauthorized call activity in the calls. . . .” Therefore, essentially the same arguments set forth above for claim 1 are equally applicable to claim 21 and its dependent claims 22, 24, 30-32 and 42. Accordingly, claims 22, 24, 30-32 and 42 are also patentably distinguishable from the combination of Fuller and Gainsboro.

Independent claim 34 also recites the feature of “monitor the second VoIP voice signals to detect fraudulent or unauthorized call activity in the calls.” Therefore, essentially the same arguments set forth above for claim 1 are equally applicable to claims 34 and its dependent claims 36, 38-40 and 43. Accordingly, claims 34 and its dependent claims 36, 38-40 and 43 are also patentably distinguishable from the combination of Fuller and Gainsboro.

Applicants respectfully submit that for at least these reasons, claims 1-14, 16, 19, 21, 22, 24, 30-32, 34, 36 and 38-40 are patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that the Examiner reconsider the rejection, and withdraw it.

New Claims

Claims 44-46 are hereby newly added. Claims 44-46 depend from claims 1, 21 and 34 respectively. Therefore, claims 44-46 are also patentably distinguishable over the cited references. In addition, claims 44-46 recite the feature of detecting fraudulent or unauthorized call activity by “applying silence detection techniques to the second VoIP voice signals.” None of the cited references disclose anything about using silence detection techniques to detect fraudulent or unauthorized call activity. Therefore, claims 44-46 are patentable for the additional reason that they recite the feature of “applying silence detection techniques to the second VoIP voice signals.”

Conclusion

Favorable action is solicited.

Respectfully Submitted,

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/Dohyun Ahn/
Dohyun Ahn, Reg. No. 63,237
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7291
Fax: (650) 938-5200